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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

CALIFORNIA INSTITUTE OF
TECHNOLOGY,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD. and
SAMSUNG ELECTRONICS AMERICA,
INC.,

Defendants.

Case No. 5:22-MC-80318

E.D. Tex. Case No. 2:21-CV-0446-JRG

**DECLARATION OF AMANDA SWAIM
IN SUPPORT OF BROADCOM INC.
AND BROADCOM CORP.'S
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL PURSUANT TO L.R. 79-5**

Date: January 10, 2023

San Jose Courthouse, Courtroom 2, 5th Floor
Time: 10:00 AM PT

I, Amanda Swaim, declare:

1. I am Senior IP Counsel at Broadcom Inc. I have personal knowledge of the facts set forth in this Declaration and, if called as a witness, could and would competently testify to them.

2. Non-parties Broadcom Inc. and Broadcom Corp. (collectively, “Broadcom”) seek to file under seal documents containing material designated by Broadcom and California Institute of Technology as “Confidential – Attorneys’ Eyes Only” or “Highly Confidential – Attorneys’ Eyes Only” pursuant to the Protective Order in *California Institute of Technology v. Broadcom Ltd., et al.*, No. 2:16-cv-03714 (C.D. Cal.), Dkt. 101.

3. As required by Local Rule 79-5(c)(2), I submit this Declaration in support of Broadcom’s Motion to Seal. I confirm that the documents identified below, based on current information and belief, contain information that is confidential and sealable.

4. The materials sought to be filed under seal were identified by Broadcom as follows:

DOCUMENT	PORTIONS IDENTIFIED BY BROADCOM FOR SEALING
Broadcom’s Opposition to Motion to Compel	Highlighted portions
Declaration of James M. Dowd in support of Broadcom’s Opposition	Highlighted portions
EXHIBIT 1	In its entirety
EXHIBIT 2	In its entirety
EXHIBIT 4	In its entirety
EXHIBIT 5	In its entirety
EXHIBIT 6	In its entirety
EXHIBIT 7	Highlighted portions
EXHIBIT 8	Highlighted portions
EXHIBIT 9	Highlighted portions
EXHIBIT 11	In its entirety
EXHIBIT 12	Highlighted portions
EXHIBIT 13	In its entirety
EXHIBIT 14	In its entirety

1 5. I understand and have been informed that a party seeking to seal “materials attached
2 to a discovery motion unrelated to the merits of a case” must show that “good cause” exists to seal
3 the materials. *Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1097 (9th Cir. 2016). I
4 further understand that “[a] party asserting good cause bears the burden, for each particular
5 document it seeks to protect, of showing that specific prejudice or harm will result if no protective
6 order is granted.” *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1130 (9th Cir. 2003).

7 6. “Good cause” exists for sealing of the identified materials, because disclosure of
8 that information would harm Broadcom’s competitive and financial position, and because the
9 disclosure of these material would not aid in the public’s understanding of the judicial process.

10 7. Broadcom’s Opposition to Motion to Compel and the Declaration of James M.
11 Dowd in support of Broadcom’s Opposition contain confidential information relating to
12 Broadcom’s employees, product model names and features, customer names and sales
13 information, and information about how and to whom Broadcom supplies its chips. They also
14 contain information from documents that Broadcom marked “Confidential – Attorneys’ Eyes
15 Only.”

16 8. Exhibits 1, 2, 6, and 7 contain Broadcom’s confidential product information,
17 including product model names, product feature information, and customer names. Broadcom,
18 Caltech, and/or Apple Inc. marked these exhibits as “Confidential – Attorneys’ Eyes Only.”

19 9. Exhibits 4 and 5 contains Broadcom’s confidential sales, price, customer, and
20 product information. Broadcom marked Exhibits 4 and 5 as “Confidential – Attorneys’ Eyes
21 Only.”

22 10. Exhibits 8, 9, and 12 are deposition transcripts that Broadcom marked “Highly
23 Confidential – Attorneys’ Eyes Only.” They contain confidential information relating to
24 Broadcom’s employees, product model names and features, customer names and sales
25 information, sales revenue, and information about how and to whom Broadcom supplies its chips.
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1 11. Exhibits 11 and 13 contains confidential information relating to Broadcom's
2 products, customers, product and sales strategy, and market analysis. Broadcom marked these
3 exhibits as "Confidential – Attorneys' Eyes Only."

4 12. Exhibit 14 is a brief I understand was filed under seal in *California Institute of*
5 *Technology v. Broadcom Ltd., et al.*, No. 2:16-cv-03714 (C.D. Cal.). Exhibit 14 also contains
6 confidential information relating to Broadcom's products, including product code names, customer
7 names, and sales information.

8 I declare under penalty of perjury under the laws of the United States that the foregoing is
9 true and correct to the best of my knowledge and belief.

10 Executed December 19, 2022.

11 /s/ Amanda Surin
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CERTIFICATE OF SERVICE

I hereby certify that counsel of record who are deemed to have consented to electronic service are being served this 19th day of December, 2022, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3).

By: /s/ James M. Dowd
James M. Dowd